

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

LAMILL HOLDING COMPANY, AND
AGA CAPITAL, LLC,

Plaintiffs/Counter-Defendants,

vs.

BITMAIN TECHNOLOGY GEORGIA
LIMITED

Defendant/Counter-Plaintiff.

Civil Action No. 4:24-cv-04267-JD

**STATUS REPORT & REQUEST FOR
STATUS CONFERENCE**

Pursuant to Rule 16(a) of the Federal Rules of Civil Procedure, Defendant and Counter-Plaintiff Bitmain Technologies Georgia Limited (“Bitmain”) respectfully requests that the Court set a status conference, either via telephone or in person, per the Court’s preference, at a date convenient for the Court and Parties, so that the Court may provide guidance on various issues related to the Amended Scheduling Order entered by the Court in this matter on October 16, 2024.

In support of this Motion, Bitmain states as follows:

A. Mediation Deadline

1. The Amended Scheduling Order required the parties to mediate this matter on or before December 16, 2024.
2. Counsel for Bitmain communicated with counsel for Plaintiffs and Counter-Defendants Lamill Holding Company (“Lamill”) and AGA Capital, LLC (“AGA Capital”) (collectively, “Plaintiffs”) on November 14, 2024, requesting a discussion on scheduling the required mediation.

3. Following that meeting, on November 19, 2024, the Plaintiff's subsidiary, Bennettech, LLC, filed a petition for bankruptcy in United States Bankruptcy Court for the District of South Carolina.
4. On December 2, 2024, counsel for Bitmain inquired with Plaintiffs' counsel as to Plaintiffs' plan for mediation as ordered by this Court, in light of the bankruptcy filing.
5. On December 4, 2024, Plaintiffs' counsel responded that the trustee in the bankruptcy matter was "trying to get up to speed" and that Plaintiffs have "expressed a strong interest" in mediation. Further, Plaintiffs' counsel informed counsel for Bitmain that he would "keep [Bitmain counsel] in the loop."
6. On December 5, 2024, counsel for Bitmain again notified Plaintiffs' counsel of the impending mediation deadline of December 16, 2024, and suggested that the parties jointly approach this Court requesting an extension of the mediation deadline. Plaintiff's counsel responded that "several discussions are taking place between attorneys and trustees" and he was trying to get a "clear answer on proposed timelines."
7. On December 16, 2024, Bitmain counsel informed Plaintiffs' counsel that Bitmain planned to file this request for a status conference, to which Counsel for Plaintiffs notified counsel for Bitmain on December 16, 2024, at 2:17 p.m., that Plaintiffs are "planning" to file a dispositive motion or seek a stay in the matter while the bankruptcy case of AGA Capital and Lamill's subsidiary proceeds, and further indicating that counsel has "no good sense of how quickly the Trustee would be able to agree to mediation."
8. Bitmain holds the position that this indeterminate delay is in violation of this Court's order and wishes to proceed with this litigation as ordered by the Court, rather than

wait for the Trustee in the subsidiary's bankruptcy proceeding to determine whether this action is an asset of the estate.

B. Discovery Requests

9. In addition to the mediation discussions, Bitmain's counsel has had numerous discussions regarding overdue discovery responses from Plaintiffs to Bitmain's interrogatories and requests for production, which were served to Plaintiffs on October 2, 2024.
10. Plaintiffs' counsel, after asking for and receiving an extension on the original due date, indicated that Plaintiffs' substantive responses would be provided the week of November 19, 2024. No responses were received by the promised date.
11. On December 8, 2024, counsel from Bitmain requested that responses be provided no later than December 13, 2024.
12. Counsel for Bitmain, after receiving no response to its December 8 request, sent another request on December 12, 2024, seeking confirmation that Plaintiffs' responses would be provided by December 13, 2024.
13. As of the date of this motion, Bitmain has not received responses to its discovery requests.

C. Request for Status Conference

14. Accordingly, Bitmain respectfully requests that the Court set a status conference to discuss the scheduling of this matter, including, without limitation, rescheduling of the ordered mediation, as well as a date certain for discovery responses to Bitmain's outstanding requests.
15. This motion is made in good faith and not for purposes of delay.

WHEREFORE, Bitmain respectfully requests that the Court enter an order setting a status conference with the parties to resolve the above-referenced issues.

Respectfully submitted this 16th day of December, 2024.

NELSON MULLINS RILEY & SCARBOROUGH LLP

/s/ Paul Collins

Paul Collins

Federal Bar No. 9055

1320 Main Street, 17th Floor

Columbia, SC 29201

Tel.: (803) 255-9729

paul.collins@nelsonmullins.com

Attorney for Defendant/Counter-Plaintiff

Bitmain Technologies Georgia Limited

Dated: December 16, 2024